

## Message Text

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ACTION L-03

INFO OCT-01 EA-11 ISO-00 JUSE-00 SCA-01 SNM-02 RSC-01

DRC-01 /020 W

----- 005113

P 280801Z MAR 74

FM AMCONSUL HONG KONG

TO SECSTATE WASHDC PRIORITY 0135

INFO :DEA EO/CUSACK PRIORITY

UNCLAS HONG KONG 3482

E.O. 11652: N/A

TAGS: CGEN

SUBJECT: EXTRADITION (KWEI SANG YUIN)

REF: STATE 058197, HONG KONG 3437

1. BEGIN SUMMARY. YUIN WAS BROUGHT BEFORE THE MAGISTRATE FOR FIRST APPEARANCE ON MARCH 26. HIS COUNSEL APPEALED FOR OUTRIGHT DISMISSAL ON GROUNDS THAT THE EXTRADITION EFFORTS IN THE SAME CASE HAD FAILED IN 1972. HE PLEADED ALTERNATIVELY THAT CLIENT BE RELEASED ON BAIL. BAIL DENIED AND MAGISTRATE RULED ON MARCH 27 THAT YUIN BE REMANDED IN CUSTODY UNTIL APRIL 8 WHEN MAGISTRATE HOPES TO SET DATE FOR FORMAL HEARING. MEANWHILE, CROWN COUNSEL SEEKS ADDITIONAL EVIDENCE FOR USE IN THE PROCEEDINGS. END SUMMARY.

2. AT HEARING ON MARCH 26, YUIN'S BARRISTER MADE AN EMOTIONAL PLEA FOR YUIN'S RELEASE ON BASIS OF RES ADJUDICATA (A GROUND WHICH CROWN SOLICITOR ASSURES CONGEN IS UNTENABLE). THE DEFENSE BARRISTER STATED THAT HE WAS SURPRISED THAT HONG KONG GOVERNMENT IS DOING "THE AMERICAN'S DIRTY WORK" OF AGAIN ATTEMPTING TO EXTRADITE YUIN ON SAME BASIS THAT FAILED 15 MONTHS AGO. ALTHOUGH THE MAGISTRATE POINTEDLY INTERRUPTED EDDIS AND REMONSTRATED ON THAT REMARK, IT WAS TAKEN UP BY THE LOCAL PRESS AND HIGHLIGHTED IN THEIR STORIES ON THE HEARING.

3. BARRISTER THEN REQUESTED YUIN'S RELEASE ON BAIL OF HONG  
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KONG \$1. THAT REQUEST WAS OPPOSED BY CROWN SOLICITOR. MAGISTRATE

REFUSED BAIL AND REMANDED YUIN IN CUSTODY UNTIL APRIL 8.

4. THE HONG KONG LEGAL DEPARTMENT IS MAKING SPECIAL EFFORT TO SUCCEED IN OBTAINING AN ORDER OF EXTRADITION, PARTLY BECAUSE THEY FEEL RESPONSIBLE FOR YUIN'S RELEASE ON PREVIOUS OCCASION. DEPUTY CROWN SOLICITOR IS HANDLING THE CASE. IN VIEW OF THE ATTENTION THE CASE IS RECEIVING IN PRESS, THE DEFENSE ARGUMENT ABOUT RE-USE OF DEFICIENT EVIDENCE AND THE PREVIOUS FAILURE TO EXTRADITE, CROWN SOLICITOR WOULD LIKE TO HAVE CASE STRONG AS POSSIBLE BEFORE FORMAL HEARING. THEREFORE, HE RECOMMENDS NEW AFFIDAVITS FROM ALL PRINCIPAL WITNESSES, INCLUDING AGENT TAYLOR AND CHEMIST FASANELLO. HE REQUESTS THAT THEIR AFFIDAVITS INCLUDE CLEAR INFORMATION ON WHEN, WHERE AND TO WHOM TAYLOR PASSED THE SUBSTANCE PURCHASED FROM YUIN; WHEN, WHERE AND FROM WHO THE SUBSTANCE WAS RECEIVED BY FASANELLO AND THE SAME INFO FROM ANY INTERMEDIATE PARTIES THAT HANDLED THE SUBSTANCE.

5. SUPPLEMENTARY EVIDENCE MENTIONED IN STATE 058197 NOT YET RECEIVED. IF IT SEEMS SUFFICIENT TO CROWN SOLICITOR TO PROCEED. DEPT WILL BE SO INFORMED. MEANWHILE, CONGEN RECOMMENDS THAT DEA PROCEED TO PREPARE REQUESTED NEW EVIDENCE.

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## Message Attributes

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**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
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**Subject:** EXTRADITION (KWEI SANG YUIN)  
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